

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE 1 OF 2 PAGES	
2. AMENDMENT/MODIFICATION NO. 001		3. EFFECTIVE DATE See Block 16B		4. REQUISITION/PURCHASE REQ. NO. N/A	
5. PROJECT NO. (If applicable)					
6. ISSUED BY U.S. Department of Energy National Energy Technology Laboratory 3610 Collins Ferry Road, PO Box 880 Morgantown, WV 26507-0880		7. ADMINISTERED BY (If other than Item 6)		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and ZIP Code) TBD		<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. DE-RA26-00FT40721 <input checked="" type="checkbox"/> 9B. DATED (See Item 11) December 14, 1999 <input type="checkbox"/> 10A. MODIFICATION OF CONTRACT/ORDER NO. <input type="checkbox"/> 10B. DATED (See Item 13)			
CODE		FACILITY CODE			

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☒ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☒ is extended, ☐ is not extended to February 16, 2000.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning ___ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(✓)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☐ is required to sign this document and return ___ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

FOR DESCRIPTION SEE PAGE 2.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Raymond R. Jarr Contracting Officer	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)		BY Original Signed (Signature of Contracting Officer)	1/10/00

The purpose of this amendment is to extend the due date for submission of proposals and to provide responses to questions submitted under the solicitation.

A. **The due date for submission of proposals is extended from January 31, 2000 to February 16, 2000.**

B. The following questions were submitted under the subject solicitation; the DOE response to each is provided:

1. I need clarification of a statement on P20, Section J.1, which states that "compared to 1999 state-of-the-art systems," the proposed systems shall include 50% or higher turndown ratios." Does it refer to power output? If so, is it important in relations to emissions? Could the 50% be defined in mathematical terms?

DOE Response:

Yes, it refers to power output and the objective is to increase turndown without increases in emissions, ensuring that all operation levels are permissible under current air emissions regulations. Yes, the 50% can be defined in mathematical terms .

2. Our patent application on Multiple Oxidations of Carbon is three years old. Will we be required to relinquish patent rights if we accept money from the government to install our systems?

DOE Response:

There isn't enough information provided to give a specific answer - so a general response is given. Even though a patent application has been filed with the patent office, if the invention is first actually reduced to practice under a DOE award, DOE rights attach. The question then becomes, what rights does DOE have. If the entity is a small business, they have the first option to retain title to the invention but DOE has certain rights such as march-in rights, US preference, and government-use license. The clause at DEAR 952.227-11 outlines the government's rights in detail. If the entity is a large business, DOE takes title and the contractor gets a nonexclusive, revocable license. See the clause at DEAR 952.227-13 for the specifics. But the contractor can petition DOE for a waiver of patent rights. A minimum of 20% cost sharing is usually required for an advance patent waiver, and DOE retains some rights in the invention such as march-in rights, US competitiveness, and government use license. The DOE waiver regulations are found at 10 CFR 784. These situations are highly dependent on the specifics of the situation.

3. While I am presently unable to locate the applicable clause; we remember seeing language stating that this PRDA is a "directed procurement". Can you define what this term means?

DOE Response:

This solicitation is not a "directed procurement." A directed procurement is one that a foreign government or international organization is bearing a part of the cost of the action (primarily used at the DOD).

END OF AMENDMENT 001.